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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher Meade *et al.*

Examiner: Phyllis G. Spivak

Serial No.: 10/614,362

Group Art Unit: 1614

Filed: July 7, 2003

Docket: 1/1363

Customer No.: 28501

Confirmation No.: 7889

For: PHARMACEUTICAL COMPOSITIONS BASED ON NEW ANTICHOLINERGICS
AND NK1 RECEPTOR ANTAGONISTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

This Reply is filed in response to the Office Action dated February 28, 2005. In that Office Action, a one month shortened statutory period was set for response. Applicants hereby petition for the necessary extension of time under 37 C.F.R. § 1.136 and authorize that the fee due under 37 C.F.R. § 1.16 and any other fees due in connection with this Reply be charged to Deposit Account No. 02-2955. The extension of time fee is paid by the enclosed Fee Transmittal Form (Form PTO/SB/17). In addition, applicants also request that any subsequently filed reply requiring a petition for an extension of time for its timely submission be treated as if it incorporated such petition for an extension of time pursuant to the provisions of 37 C.F.R. § 1.136(a)(3) and hereby authorize that any fees due in connection therewith be charged to Deposit Account No. 02-2955.

In the Office Action, the Examiner imposed a restriction requirement in the instant application.

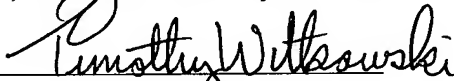
In response to that restriction requirement, applicants hereby elect with traverse Group I, claims 1 to 8, 36, and 37. Applicants, however, maintain that Groups I and II should be joined and examined together as they are sufficiently related such that the search for relevant art for one Group would be expected to uncover prior art that is relevant to the other Group, since each of these Groups involve pharmaceutical formulations and their use, whether

suitable for inhalation or otherwise. Indeed, if Group I is patentable over the prior art, Group II should be as well, since Group II is necessarily narrower than Group I. Thus, a search for relevant art and subsequent examination would not be an undue burden on the Examiner and restriction should be withdrawn. M.P.E.P. § 803.

Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here. Applicants also respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 20, 2005.

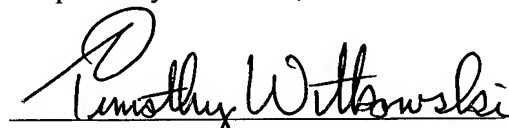


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4-20-2005

Dated

Respectfully submitted,



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